

Order

Michigan Supreme Court
Lansing, Michigan

April 26, 2018

Stephen J. Markman,
Chief Justice

156651

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

DONNA WALKER, WILLIAM WALKER, and
HEAD TO TOES MASSAGE THERAPY OF
OXFORD, INC.,
Plaintiffs-Appellees,

v

SC: 156651
COA: 333160
Oakland CC: 2015-145545-CK

OTIS M. UNDERWOOD, JR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 7, 2017 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing the meaning of paragraph 10 of the parties' agreement that is in dispute in this case and the applicability of the legal canon *expressio unius est exclusio alterius* in the interpretation of that paragraph. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellees shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 26, 2018

Clerk